

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20164 of 2004

Between:

Smt. A. Parijatham, W/o. Sri A. Venkateswara Rao,
R/o. H.No.3-1-282/A, Nimboli Adda, Kachiguda, Hyderabad.

..... PETITIONER

AND

- 1 The S.H.O., Kachiguda, Hyderabad.
- 2 T. Ganesh, S/o. Late Thukaram
R/o. H.No.3-1-282, Nimboli Adda, Kachiguda, Hyderabad,
- 3 T. Hari, S/o. Late Thukaram,
R/o. H.No.3-1-282, Nimboli Adda, Kachiguda, Hyderabad,
- 4 Smt. K. Suvarna, D/o. Late Thukaram
R/o. H.No.3-1-282, Nimboli Adda, Kachiguda, Hyderabad,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ order or direction declaring the action of the 1st respondent in interfering with the Civil disputes and petitioner's life and liberty by causing nuisance and inconvenience at the instance of the Respondents 2 to 4 herein as illegal, arbitrary and violative of Articles 14, 19,21 of the Constitution of India.

Counsel for the Petitioner: MR.K.CHIDAMBARAM

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent Nos.2 to 4: None appeared

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing on behalf of respondent No.1.

This writ petition is filed seeking to declare the action of respondent No.1 in interfering with the civil disputes and the life and liberty of the petitioner by causing nuisance and inconvenience at the instance of respondent Nos.2 to 4, as illegal and arbitrary.

The petitioner states that she and respondent Nos.2 to 4 are neighbours and they have some civil disputes with regard to 4 square yards width of site in between their houses bearing door Nos.3-1-282/A and 3-1-282 of Nimboli Adda, Kachiguda, Hyderabad, and a civil suit in O.S.No.5882 of 2002 is also pending on the file of X Junior Civil Judge, City Civil Court, Hyderabad with regard to the said dispute. While so, it is stated, respondent No.1 at the instance of respondent Nos.2 to 4 is threatening the petitioner with dire consequences and insisting the petitioner not to use the disputed passage. She states that respondent No.1 has also forcibly taken away her Luna motor cycle and cycle and kept them in the police station. Questioning the impugned action of respondent No.1, the petitioner filed this writ petition.

Respondent No.1 filed counter-affidavit denying the allegations made in the affidavit filed in support of the writ petition. The allegations that respondent No.1 has been insisting the petitioner not to use the disputed passage and that he has forcibly taken away her Luna motor cycle and also cycle of the petitioner and kept them in the police station are false, and hence denied. It is stated that on 09-10-2004 at 1830 hrs., respondent No.1 found a luna and a bicycle which were lying on the street in

Nimboliadda, obstructing the free flow of traffic, and therefore, he seized and kept them in the police station, and booked a petty case No.685/04 under Section 39 of the City Police Act, and nobody claimed the said property till date. It is stated that it is open to the petitioner to approach respondent No.1 and claim the said vehicles if they belong to her. It is also stated that respondent No.1 never interfered with the life and liberty of the petitioner.

Having regard to the above averments made in the counter-affidavit filed by respondent No.1, I deem it appropriate to dispose of the writ petition in the following terms.

The petitioner is at liberty to approach respondent No.1 and submit an application for return of the vehicles in question as per the procedure contemplated under law, and on such application being received, respondent No.1 is directed to consider and dispose of the same in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J

Date: 26-4-2005

Svv

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1. The Station House Officer, Kachiguda, Hyderabad
- 2. Two C.Cs. to the Government Pleader for Home, High Court Buildings,
Hyderabad (O.U.T.)
- 3. Two C.D. copies

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